

A. G. Contract No. KR97 1948TRN
ADOT ECS File: JPA 97-140
Project: CM-900-0(172)/H4740 01X
Section: FY97 - 98 Regional
Trip Reduction Program

INTERGOVERNMENTAL AGREEMENT
BETWEEN
THE STATE OF ARIZONA
AND
MARICOPA COUNTY, ARIZONA

THIS AGREEMENT is entered into 23 March, 1998,
pursuant to Arizona Revised Statutes Section 11-952 through 11-
954 as amended, between the STATE OF ARIZONA, acting by and
through its DEPARTMENT OF TRANSPORTATION (the "State") and
MARICOPA COUNTY, ARIZONA acting by and through its BOARD OF
SUPERVISORS (the "County").

I. RECITALS

1. The State is empowered by Arizona Revised Statutes
Section 28-108 and 28-112 to enter into this agreement and has by
resolution, a copy of which is attached hereto and made a part
hereof, resolved to enter into this agreement and has delegated
to the undersigned the authority to execute this agreement on
behalf of the State.

2. The County is empowered by Arizona Revised Statutes
Section 11-251 to enter into this agreement and has authorized
the undersigned to execute this agreement on behalf of the
County.

3. The federal government has made State administered funds
available to the County for regional trip reduction efforts. The
State and the County desire to define their respective
responsibilities relating to the transfer of up to \$910,000.00
through the State to the County and the expenditure thereof for
the trip reduction program.

THEREFORE, in consideration of the mutual agreements expressed
herein, it is agreed as follows:

NO. 22255
Filed with the Secretary of State
Date Filed: 03/23/98
Petrey Bayless
Secretary of State

By: Vicky Graenewald

II. SCOPE

1. The State will:

Provide the County federal funds in the amount of up to \$910,000.00, on a monthly cost reimbursement basis for activities performed relating to the Regional Trip Reduction program.

2. The County will:

a. Apply funding to project work activities in strict accordance with applicable Federal and State laws, rules and regulations.

b. Retain the option to issue requests for proposals, and hire consultants as required to perform related work activities. Be responsible for any consultant claims for extra compensation.

c. Provide the following services; distribute and process employee commute surveys, provide detailed analysis of employee commute habits, provide technical assistance to affected work sites, review and make recommendations on employee transportation plans and conduct ongoing monitoring of individual plan implementation.

d. Implement ten Trip Reduction Flexibility items enacted pursuant to SB1002, which is attached hereto in applicable part and made a part hereof.

e. Invoice the State for reimbursement no more often than monthly, supported by narrative reports, in a total amount not to exceed \$910,000.00.

III. MISCELLANEOUS PROVISIONS

1. The only interest of the Arizona Department of Transportation in this agreement is to convey federal pass through funds for the use and benefit of the County by reason of State and Federal law under which funds for the activities are authorized to be expended.

2. This agreement is contingent upon the availability of federal funds to support the program, and shall remain in force and effect until completion of said activities and reimbursements, but no later than 30 September 1999; provided, however, that this agreement may be cancelled at any time prior to the commencement of performance, upon thirty (30) days written notice to the other party.

3. Should the work contemplated under this agreement be completed at a lower cost than the reimbursed amount, or for any other reason should any of these funds not be expended, a proportionate amount of the funds provided shall be reimbursed to the State.

4. This agreement shall become effective upon filing with the Secretary of State.

5. This agreement may be cancelled in accordance with Arizona Revised Statutes Section 38-511.

6. The provisions of Arizona Revised Statutes Section 35-214 are applicable to this contract.

7. In the event of any controversy which may arise out of this agreement, the parties hereto agree to abide by arbitration.

8. All notices or demands upon any party relating to this agreement shall be in writing and shall be delivered in person or sent by mail addressed as follows:

Arizona Department of Transportation
Joint Project Administration
205 South 17 Avenue, Mail Drop 616E
Phoenix, AZ 85007

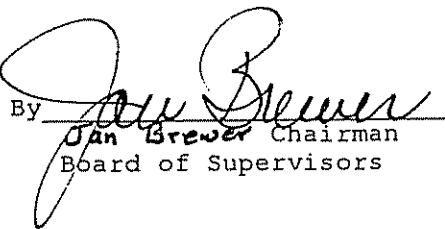
Maricopa County
Community Services Division
Trip Reduction Program
1001 N. Central Avenue Suite #200
Phoenix, AZ 85004

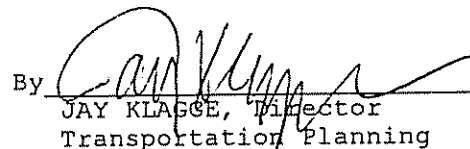
9. Attached hereto and incorporated herein is the written determination of legal counsel that the parties are authorized under the laws of this State to enter into this agreement and that the agreement is in proper form.

IN WITNESS WHEREOF, the parties have executed this agreement the day and year first above written.

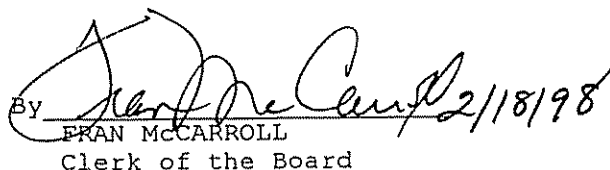
MARICOPA COUNTY

STATE OF ARIZONA
Department of Transportation

By 
Jan Brewer Chairman
Board of Supervisors

By 
JAY KLAGGE, Director
Transportation Planning

ATTEST

By  2/18/98
FRAN MCCARROLL
Clerk of the Board

JPA 97-140

APPROVAL OF THE MARICOPA COUNTY ATTORNEY

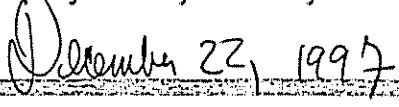
The undersigned attorney for Maricopa County had determined that the proposed Intergovernmental Agreement between the Arizona Department of Transportation and Maricopa County is in proper form and within the powers granted under law to the Maricopa County Board of Supervisors.

Maricopa County Attorney's Office

By:


Paige Murphy-Young
Deputy County Attorney

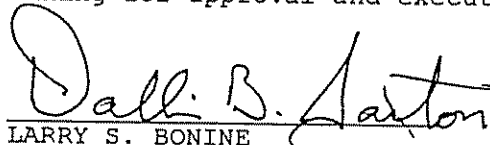
Date:


December 22, 1997

RESOLUTION

BE IT RESOLVED on this 7th day of August 1997, that I, the undersigned LARRY S. BONINE, as Director of the Arizona Department of Transportation, have determined that it is in the best interests of the State of Arizona that the Department of Transportation, acting by and through the Intermodal Transportation Division, to enter into an agreement with Maricopa County for the purpose of defining responsibilities for conducting the FY97-98 Maricopa County Trip Reduction Program.

Therefore, authorization is hereby granted to draft said agreement which, upon completion, shall be submitted to the Director, Transportation Planning for approval and execution.


for LARRY S. BONINE
Director

Senate Engrossed

FILED

Jane Dee Hull
Secretary of State

State of Arizona
Senate
Forty-second Legislature
Seventh Special Session
1996

CHAPTER 6

SENATE BILL 1002

AN ACT

AMENDING SECTIONS 1-215, 9-500.04, 15-349, 28-317, 28-372, 28-374, 28-385, 28-1552, 28-1552.01, 28-1591.04, 28-1595, 41-803, 41-1516, 41-2065, 41-2083, 41-2122, 41-2125, 49-424 AND 49-474.01, ARIZONA REVISED STATUTES; AMENDING SECTION 5-505, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 1996, CHAPTER 143, SECTION 3; AMENDING SECTION 5-505, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 1996, CHAPTER 335, SECTION 5; AMENDING SECTION 5-522, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 1996, CHAPTER 143, SECTION 7; AMENDING SECTION 5-522, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 1996, CHAPTER 335, SECTION 6; AMENDING SECTION 28-205, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 1996, CHAPTER 263, SECTION 2; AMENDING SECTION 28-205, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 1996, CHAPTER 220, SECTION 14; AMENDING SECTION 28-301.03, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 1996, CHAPTER 220, SECTION 17 AND CHAPTER 345, SECTION 2; AMENDING SECTION 28-301.03, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 1996, CHAPTER 220, SECTION 18; AMENDING SECTION 28-385, ARIZONA REVISED STATUTES, AS AMENDED BY THIS ACT; PROVIDING FOR THE DELAYED REPEAL OF SECTION 28-1552.01, ARIZONA REVISED STATUTES, AS AMENDED BY THIS ACT; AMENDING TITLE 41, CHAPTER 10, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 41-1516.01; AMENDING SECTION 49-542, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 1996, CHAPTER 30, SECTION 1; AMENDING SECTION 49-542, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 1996, CHAPTER 220, SECTION 71; AMENDING SECTIONS 49-542.01, 49-543, 49-544, 49-545, 49-551, 49-588 AND 49-965, ARIZONA REVISED STATUTES; AMENDING TITLE 49, CHAPTER 3, ARTICLE 5, ARIZONA REVISED STATUTES, BY ADDING SECTION 49-554; PROVIDING FOR THE DELAYED REPEAL OF SECTION 5-505, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 1996, CHAPTER 143, SECTION 3 AND THIS ACT; PROVIDING FOR

year, except that in area A as defined in section 49-541 the reduction shall be ten per cent.

2. In the second, third, fourth and fifth years, an additional five per cent reduction in the proportion of employees commuting by single occupancy vehicles as determined in the annual survey, except that in area A the reduction shall be ten per cent. If the percentage of employees commuting in single occupancy vehicles is sixty per cent or less, additional reductions are not required.

F. By December 31, 1991, the regional planning agency for the county shall review the regional program and its results and recommend to the board the target employee participation in alternate modes and commuter trip vehicle miles travel reductions for the following years. Notwithstanding section 11-251, paragraph 52, the county shall enact an ordinance applicable within the county and within incorporated cities and towns in the county prescribing such recommendations including policies, standards and criteria developed by the regional planning agency for air quality by May 31, 1992.

G. NOTWITHSTANDING ANY OTHER REQUIREMENTS, A MAJOR EMPLOYER MAY BE IN COMPLIANCE WITH THE REQUIREMENTS OF SUBSECTIONS A, C AND E OF THIS SECTION BY SUBMITTING A PLAN THAT DEMONSTRATES ACHIEVEMENT OF EMISSIONS REDUCTIONS EQUIVALENT TO THOSE THAT WOULD HAVE BEEN OBTAINED THROUGH COMPLIANCE WITH THE REQUIREMENTS OF SUBSECTION E OF THIS SECTION. EMISSIONS REDUCTIONS ACHIEVED FOR THE PURPOSE OF COMPLIANCE WITH THIS SUBSECTION SHALL BE IN ADDITION TO ANY OTHER EMISSIONS REDUCTIONS THAT ARE OTHERWISE REQUIRED BY LAW, RULE, ORDINANCE OR PERMIT. THE PLAN MAY CONTAIN ANY OF THE FOLLOWING MEASURES TO ACHIEVE EMISSIONS REDUCTIONS:

1. VOLUNTARY POLLUTING VEHICLE TRADE-OUTS ONLY IF BOTH OF THE FOLLOWING CONDITIONS ARE MET:

(a) VEHICLES ARE NOT CRUSHED.

(b) THE PROGRAM APPLIES ONLY TO VEHICLES OWNED BY THE MAJOR EMPLOYER OR ITS EMPLOYEES.

2. USE OF CLEAN ON-ROAD VEHICLES.

3. USE OF CLEAN OFF-ROAD MOBILE EQUIPMENT.

4. REMOTE SENSING.

5. OTHER MOBILE SOURCE EMISSIONS REDUCTIONS.

6. EMISSIONS REDUCTIONS FROM STATIONARY SOURCES.

7. PEAK COMMUTE TRIP REDUCTIONS.

8. OTHER WORK-RELATED TRIP REDUCTIONS.

9. VEHICLE MILES TRAVELED REDUCTION PROGRAMS.

10. FUEL ADDITIVES WHICH HAVE BEEN SHOWN TO REDUCE HYDROCARBON, CARBON MONOXIDE OR PARTICULATE MATTER EMISSIONS OF SIGNIFICANT POLLUTING ON-ROAD VEHICLES, OFF-ROAD MOBILE SOURCES OR AREA SOURCES BY TWENTY PER CENT OR MORE.

Sec. 40. Section 49-965, Arizona Revised Statutes, is amended to read:



GRANT WOODS
ATTORNEY GENERAL

STATE OF ARIZONA
OFFICE OF THE ATTORNEY GENERAL
1275 WEST WASHINGTON, PHOENIX 85007-2926

TRN Main: (602) 542-1680
Direct: (602) 542-8837
Fax: (602) 542-3646
MAIN PHONE : 542-5025
TELECOPIER : 542-4085

INTERGOVERNMENTAL AGREEMENT
DETERMINATION

A.G. Contract No. KR97-1948TRN, an agreement between public agencies, has been reviewed pursuant to A.R.S. § 11-952, as amended, by the undersigned Assistant Attorney General who has determined that it is in the proper form and is within the powers and authority granted to the State of Arizona.

No opinion is expressed as to the authority of the remaining parties, other than the State or its agencies, to enter into said agreement.

DATE March 16, 1998.

GRANT WOODS
Attorney General

A handwritten signature in black ink, appearing to read "James R. Redpath", is written over a horizontal line.

JAMES R. REDPATH
Assistant Attorney General
Transportation Section

JRR:et/11104

Enc.